

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹
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ORDER DENYING THE URGENT MOTION OF THE
OVERSIGHT BOARD TO CLARIFY THE SCOPE OF THE INTERIM FINANCING HEARING

On January 27, 2018, the Court received an urgent motion requesting entry of an order that would authorize PREPA to obtain certain post-petition secured financing (Case No. 17-3283, Docket Entry No. 2298; Case No. 17-4780, Docket Entry No. 549, the “Financing Motion”). On January 31, 2018, the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) filed an urgent motion requesting entry of an order limiting the scope of issues to be raised by creditors of PREPA and to be addressed by the Court at the interim hearing on the Financing Motion (the “Interim Hearing”). (Case No. 17-3283, Docket Entry No. 2320; Case No. 17-4780, Docket Entry No. 557, the “Scope Motion.”) The Court has considered all of the submissions carefully. The Scope Motion improperly seeks to curtail the scope of the Interim Hearing and is hereby denied.

In connection with the Omnibus Hearing, scheduled for February 7, 2018, the Court will conduct an Interim Hearing on the Financing Motion in the following two stages:

First, the Court will hear oral argument and any relevant evidence as to whether interim relief is “necessary to avoid immediate and irreparable harm” prior to a

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

final hearing on the Financing Motion that will be held, in New York, on February 15, 2018.

Second, if the Court determines that interim relief is necessary, the Court will then hear oral argument, and any relevant evidence, on the merits of the Financing Motion.

The Debtor is directed to file, with its reply papers on the Financing Motion: (i) an updated budget that includes actual amounts for recent weeks, (ii) a declaration identifying and quantifying any additional sources of receipts that are not otherwise identified on the Debtor's budget (*e.g.*, insurance proceeds), and (iii) a supplement to the Financing Motion that includes a revised summary of the key terms of the credit agreement that satisfies the express requirements Federal Rule of Bankruptcy Procedure 4001(c)(1)(B).

This order resolves docket entry no. 2320 in case no. 17-3283 and docket entry no. 557 in case no. 17-4780.

SO ORDERED.

Dated: February 2, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge